

U.S. Patent Application No. 10/762,786  
Response to Office Communication dated September 12, 2008  
Response to Office Communication dated August 15, 2008

### REMARKS

This Response is in reply to the Office communication dated August 15, 2008. Applicants' wish to thank the Examiner for the courtesies extended to Applicants' undersigned representative at the personal interview of June 3, 2008. The substance of the interview included a discussion of the proposed amendments to the claims presented at the interview, which correspond to the amendments made in Applicants' Amendment dated June 4, 2008. The amendments were submitted to overcome, among other things, the previous rejections under 35 U.S.C. 112, first and second paragraphs. The nature of the claimed third cover layer, and support for all the amendments, were also discussed. In particular, Applicants' undersigned representative pointed out that support for the amendment to claim 91, and new claims 95-97 can be found throughout the application, for example, at least at paragraphs [00035] and [00047] of the original specification, and that support for new claim 98 can be found, for example, at least at column 6, lines 47-54 of U.S. Patent No. 6,935,617 B2 which is incorporated by reference in the present application (*see*, for example, paragraph [00055] of the original specification that incorporates U.S. Application No. 10/625,449).

In addition, Applicants' representative pointed out that "the cover" in claim 91 would be amended to instead read "the first cover layer."

Furthermore, Applicants' representative indicated that claim 91 would be amended to recite a first cover layer sealing the sample distribution network, wherein the first cover layer is formed from a gas-impermeable material, and that Jakobsen et al. would not anticipate claim 91. Moreover, Applicants' representative indicated that the claims would be amended to recite that the

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venting region has a second cover layer formed from a non-porous, gas-impermeable material, and would recite that a third cover layer formed from a gas-impermeable material is applied to the second cover layer to prevent evaporation from the at least one sample-containment region. It was pointed out that Jakobsen et al. describes using a porous vent but fails to describe using a non-porous, gas-permeable material, as featured in claim 91 (as claim 91 was proposed at the interview and amended on June 4, 2008). Additionally, Applicants' representative asserted that to add a gas-impermeable cover layer to the vent of the closed substrate of Jakobsen et al. would cause back pressure when an attempt to add fluid to the closed substrate is made, which would result in air not being allowed to escape from the analysis area.

### CONCLUSION

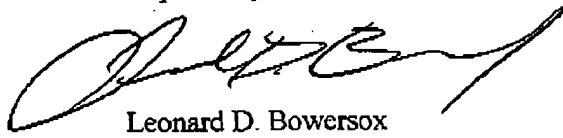
In view of the foregoing remarks and Applicants' amendment dated June 4, 2008, Applicants' respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

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If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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